

File 5/003/034



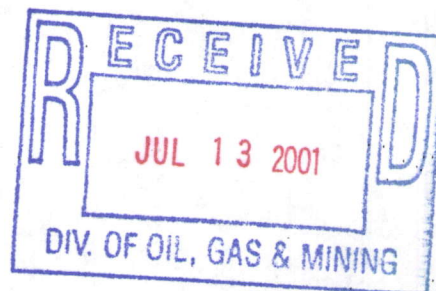
United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Salt Lake Field Office
2370 South 2300 West
Salt Lake City, UT 84119

IN REPLY REFER TO:

9232
UTU-78544
(UT-023)

CERTIFICATE OF PERSONAL SERVICE

I, Araon Kania, CERTIFY that on the 22nd
day of June, 2001, I served written notice on David Penny, of
_____, the party's address of record,
by a true copy of the within notice by Personal Service. POSTED to Equipment

Signature

Blm Ranger

Title



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Salt Lake Field Office
2970 South 2800 West
Salt Lake City, Utah 84119

IN REPLY REFER TO:

2920

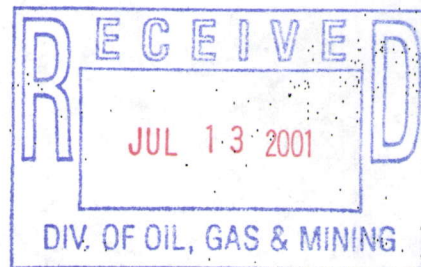
(UT-023)

UTU-73106

FEB 2 2001

Certified Mail #7099 3220 0003 0605 5571
Return Receipt RequestedMr. David Penney
P.O. Box 312
Beaver, UT 84718

Re: Land Use Permit - Mining in Box Elder County, UT



Dear Mr. Penny:

Our records indicate your land use permit expired on April 30, 1998. Please refer to the enclosed map for the location of the permitted area on public land.

Any mining operations at this location are unauthorized at this time and subject to the CFR 3809 Regulations. If you intend to continue to use the area for mining, you must renew your permit. If you have ceased mining operations, you must reclaim the pit and reseed the area as specified in your stipulations for land use.

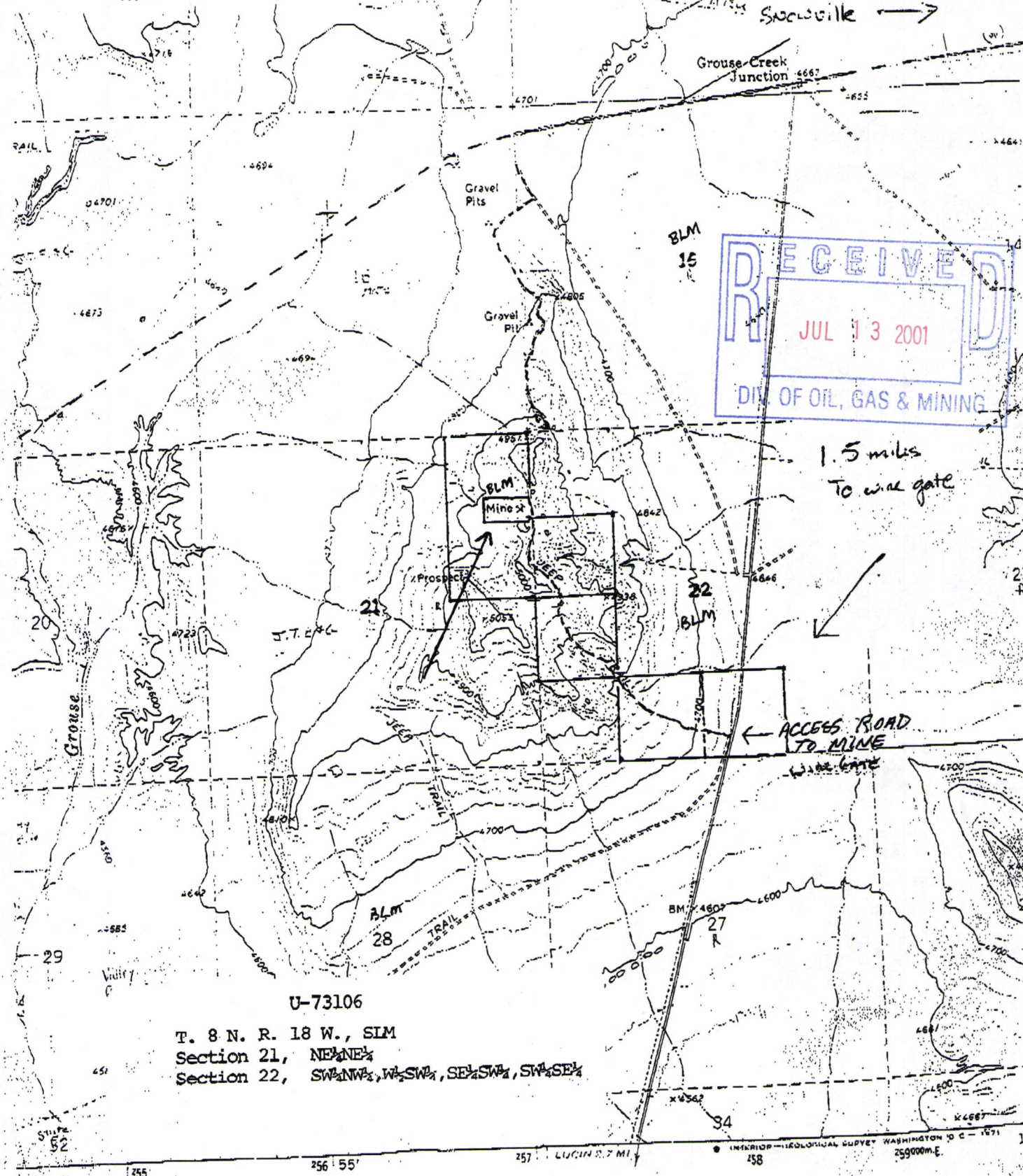
Please contact the Bureau of Land Management Salt Lake Field Office and advise us of the status of your operation. Please contact Grace Jensen at 801-977-4372 within 30 days of the receipt of this letter. Thank you for your cooperation in this matter.

Sincerely,

Michael G. Nelson
Assistant Acting Field Manager
Non Renewable Resources

Enclosure

LUCIN NW QUADRANGLE
UTAH-BOX ELDER CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)





United States Department of the Interior

S/003/034

BUREAU OF LAND MANAGEMENT

Salt Lake Field Office
2370 South 2300 West
Salt Lake City, UT 84119

IN REPLY REFER TO:

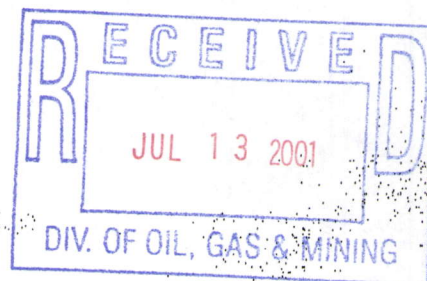
9232

UTU-78544

(UT-023)

PERSONAL SERVICE

Mr. David L. Penney
POB 312
Beaver, UT 84713



Re: Unauthorized Use of Public Lands

Dear Mr. Penney:

You are hereby notified that the Bureau of Land Management has made an investigation and evidence tends to show that you are in trespass. We allege that you are violating the laws specified below and the regulations approved by the Secretary of the Interior pursuant to the authority vested in him by said law. Therefore, it is our opinion that you: David Penny

Have: A current quarry mining operation on public lands without a permit;

Are in violation of: The Federal Land Policy and Management Act of 1976 (43 USC 1701 et seq.);

Title 43 CFR 2920.1-2 and 9262.1 on the following described lands:

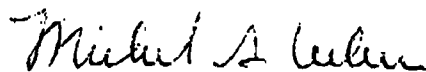
T. 8 North, Range 18 West, Section 21, NE1/4NE1/4, Section 22, SW1/4NW1/4, W1/2SW1/4, SE1/4SW1/4, SW1/4SE1/4, Box Elder County, UT (Lucin Area).

As a consequence of this act you are liable for fair market value rent of the public lands, rehabilitation/stabilization of the lands damaged by your act, and administrative cost incurred by the Bureau as a consequence of your act.

If allegations we have made are correct, you must permanently cease and desist from the violations charged. You are allowed 15 working days to arrange settlement of trespass liability, or to present evidence to show that you are not a trespasser as we have alleged at the Salt Lake Field Office, Bureau of Land Management, 2370 South, 2300 West, Salt Lake City, UT 84119. Please call to arrange an appointment prior to coming to the office. Contact Grace Jensen at 801-977-4372.

Failure to comply with this notice and resolve your trespass liability may result in trespass penalties and a citation for your appearance before a designated United States Magistrate who may impose a fine of not more than \$1,000 or imprisonment of not more than 12 months, or both, under Title 43 CFR 9262.1.

Sincerely,



Michael G. Nelson
Acting Assistant Field Manager
Non-Renewable Resources

§ 9260.0-1

Subpart 9268—Recreation Programs

- 9268.0-3 Authority.
- 9268.1 Cultural resource management. [Reserved]
- 9268.2 Natural history resource management procedures. [Reserved]
- 9268.3 Recreation management—procedures.
- 9268.4 Visual resource management. [Reserved]
- 9268.5 Wilderness management. [Reserved]
- 9268.6 Environmental education and protection. [Reserved]

Subpart 9269—Technical Services

- 9269.0-3 Authority.
- 9269.1 Criminal trespass.
- 9269.2-1 General management. [Reserved]
- 9269.2-2 Land resource management. [Reserved]
- 9269.2-3 Minerals management.
- 9269.2-4 Range management.
- 9269.2-5 Timber management.

AUTHORITY: 16 U.S.C. 433; 16 U.S.C. 4801-6a; 16 U.S.C. 6701; 16 U.S.C. 1346(i); 16 U.S.C. 1338; 18 U.S.C. 1851-1861; 18 U.S.C. 3551 *et seq.*; 43 U.S.C. 315(a); 43 U.S.C. 1061, 1063; 43 U.S.C. 1733.

SOURCE: 45 FR 31276, May 12, 1980, unless otherwise noted.

Subpart 9260—Law Enforcement, General

§ 9260.0-1 Purpose.

This part establishes a single regulatory section in title 43 where the law enforcement provisions of all the various public land use regulations can be found.

§ 9260.0-2 Objective.

To provide in a single part a compilation of all criminal violations relating to public lands that appear throughout title 43 of the Code of Federal Regulations.

§ 9260.0-3 Authority.

Under section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733), the Secretary of the Interior is authorized to issue regulations with respect to the management, use, and protection of the public lands, including property located thereon, the violation of which is punishable as a criminal offense. Section

43 CFR Ch. II (10-1-00 Edition)

303(c) of the Act authorizes the Secretary to enter into contracts with appropriate local officials having law enforcement authority and to authorize Federal personnel to carry out the enforcement of Federal laws and regulations relating to the public lands and their resources. Section 303(d) of the Act authorizes the Secretary to enter into cooperative agreements with State and local regulatory and law enforcement officials for the enforcement of State laws and local ordinances on the public lands. In addition to general authority under FLPMA, other specific authorities are noted where applicable.

§ 9260.0-4—9260.0-6 [Reserved]

§ 9260.0-7 Penalties.

Any person violating any provision of part 9260 of this title shall be subject to the specific penalties as noted under this part.

Subpart 9261—General Management [Reserved]

Subpart 9262—Land Resource Management

§ 9262.0 Authority.

43 U.S.C. 1732, 1733, 1740, 1761-1771.

[54 FR 25855, June 20, 1989]

§ 9262.1 Penalties for unauthorized use, occupancy, or development of public lands.

Under section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)) any person who knowingly and willfully violates the provisions of §§ 2801.3(a), 2812.1-3, 2881.3, or 2920.1-2(a) of this title, by using public lands without the requisite authorization, may be tried before a United States magistrate and fined no more than \$1,000 or imprisoned for no more than 12 months, or both.

[54 FR 25855, June 20, 1989]

Subpart 9263—Minerals Management [Reserved]

Bureau of Land Management, Interior

Subpart 9264—Range Management

§ 9264.0-3 Authority.

(a) The provisions of this subpart are issued under section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*) and section 2 of the Taylor Grazing Act of 1934 (43 U.S.C. 315 *et seq.*).

(b) The provisions of § 9264.7 of this title are issued under section 8 of the Wild Free-Roaming Horse and Burro Act of 1971 (16 U.S.C. 1331 *et seq.*).

§ 9264.1 Grazing administration—exclusive of Alaska.

Persons performing the following prohibited acts on public and other lands under Bureau of Land Management control may be subject to criminal penalties under § 9264.1(k) of this title:

(a) Allowing livestock or other privately owned or controlled animals to graze on or be driven across those lands without a permit or lease or in violation of the terms and conditions of a permit or lease, either by exceeding the number of livestock authorized, or by allowing livestock to be on these lands in an area or at a time different from that designated;

(b) Installing, using, maintaining, modifying, and/or removing range improvements without authorization;

(c) Cutting, burning, spraying, destroying, or removing vegetation without authorization;

(d) Damaging or removing United States property without authorization;

(e) Molesting livestock authorized to graze on these lands;

(f) Littering;

(g) Violating any provision of 43 CFR part 4700 concerning the protection and management of wild free-roaming horses and burros;

(h) Violating any Federal or State laws or regulations concerning conservation or protection of natural and cultural resources or the environment including, but not limited to, those relating to air and water quality, protection of fish and wildlife, plants, and the use of chemical toxicants;

(i) Interfering with lawful uses or users;

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